

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

HAYAT SINDI,

Plaintiff,

v.

**SAMIA EL-MOSLIMANY and
ANN EL-MOSLIMANY,**

Defendants.

Civil Action No. 13-cv-10798-GAO

**AFFIDAVIT OF MICHAEL THAD ALLEN
IN SUPPORT OF MOTION FOR REMAND**

I, Michael Thad Allen, hereby depose under oath the following:

1. My name is Michael Thad Allen. I am an attorney in good standing in the Commonwealth of Massachusetts, and I declare the following statements based on my personal knowledge and experience.

2. On January 25, 2013, I served a Complaint and Jury Demand with 16 exhibits on Samia El-Moslimany and Ann El-Moslimany, the Defendants in this action. The Complaint and exhibits were also accompanied by the Summonses and Civil Action Cover Sheet (the "Complaint Package").

3. The method of service was threefold. First, I sent a copy of the Complaint Package to Samia El-Moslimany via certified mail, return receipt requested to the residential address of Samia El-Moslimany and Ann El-Moslimany: 2655 SW 151st Place, Burien, Washington 98166-1638. I sent the Complaint Package by UPS overnight delivery to the same

address. In addition, I sent a pdf copy of the Complaint package by e-mail to Samia El-Moslimany at her known e-mail address: samiaelmo@yahoo.com. The Complaint Package sent via certified mail to Samia El-Moslimany has not been returned to Todd & Weld LLP, nor have I received the return receipt card back. I received confirmation that UPS delivered the Complaint Package. True copies of the proof of delivery receipts and the aforementioned email are attached as **Exhibit A**.

4. I attach as **Exhibit B** a true and accurate copy of Samia El-Moslimany's Facebook page, dated January 27, 2013, on which she posted a copy of the Civil Action Cover Sheet for the Superior Court of Suffolk County, Massachusetts, dated January 25, 2011, which I signed and served with the Complaint Package. I accessed Ms. El-Moslimany's Facebook webpage on or around February 19, 2013. On information and belief, Ann El-Moslimany, Samia El-Moslimany's mother, lives with her daughter at the Burien, Washington address to which the Complaint Package was sent.

5. I attach as **Exhibit C** a true and accurate copy of a Facebook page posted by Samia El-Moslimany on or about January 25, 2013 with the caption "Fouad's soon to be second wife sues me." I first accessed this page on or around February 19, 2013.

6. Samia El-Moslimany continues to maintain the posting stating "Fouad's soon to be second wife sues me" on her Facebook page as of the time of this filing. See **Exhibit D**. I last accessed this website page on or around April 10, 2013.

7. On February 20, 2013, I submitted an Affidavit of Proof of Service to this Court. A true copy of this Affidavit is attached as **Exhibit E**.

8. On or around March 14, 2013 George White, Esq. ("Mr. White") contacted me to request an extension of time to answer the Complaint or otherwise respond on behalf of

Defendants Samia and Ann El-Moslimany. My office communicated its willingness to extend time up to and including March 20, 2013, which Mr. White memorialized in a letter to my office. Mr. White again contacted me by e-mail on March 19, 2013 to request an additional extension of time up to and including March 27, 2013. A true and accurate copy of these communications is attached as ***Exhibit F***.

9. On March 19, 2013, Mr. White filed a Superior Court Rule 9E Notice of Motion to Dismiss the Plaintiff's Complaint, which announced Defendants' intention to file a Mass. R. Civ. P. 12(b) motion "on or before March 27, 2013 [sic]." A true copy of this notice is attached as ***Exhibit G***. Neither Mr. White nor any other counsel of Morrison Mahoney, LLP ever filed a formal appearance in the state-court action.

10. No response or answer to the Complaint was forthcoming, and the above assented-to deadlines passed. I therefore contacted Mr. White by telephone on April 1, 2013, at which time he informed me that he would not submit a response or answer to the Complaint.

11. On April 1, 2013 I filed Ms. Sindi's Motion for Declaration of Effective Service and Order of Default, with notice to Mr. White. A copy is attached as ***Exhibit H***.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 11TH DAY OF APRIL 2013.



Michael Thad Allen

EXHIBIT A

7012 1010 0002 6533 6034

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
SEATTLE WA 98166	
Postage	\$ 20.90
Certified Fee	0009
Return Receipt Fee (Endorsement Required)	\$2.55
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 20.90
01/28/2013	
Postmark Here	
Sent To: Samia El-Moslimany	
Street, Apt. No. or PO Box No. 2655 151st Place	
City, State, ZIP+4 Burien, WA 98166-1638	
PS Form 3800, August 2006 See Reverse for Instructions	

UPS: Tracking Information

Page 1 of 1



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z0E20900152400093
Service:	UPS Next Day Air®
Weight:	2.60 lbs
Shipped/Billed On:	01/28/2013
Delivered On:	01/29/2013 9:25 A.M.
Delivered To:	BURIEN, WA, US
Left At:	Front Door

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 01/30/2013 12:00 P.M. ET

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From: Allen, Michael
Sent: Friday, January 25, 2013 3:40 PM
To: 'samiaelmo@yahoo.com'; 'munafikasindi@yahoo.com'; 'thetruehayatsindi@yahoo.com'
Cc: Rich, David H.; Abed Awad (awadabed2000@yahoo.com)
Subject: Hayat Sindi v. Samia El-Moslimany and Ann El-Moslimany, Superior Court of Suffolk, Massachusetts
Attachments: Civil Action Cover Sheet.pdf; LT Court w-Complaint 1-25-13 mta.pdf; Summons to Samia El-Moslimany.pdf.pdf; Summons to Ann El-Moslimany.pdf.pdf; Complaint.pdf

Dear Ms. Samia El-Moslimany and Ms. Ann El-Moslimany, please see attached.
This is one message of four.

Michael Thad Allen

TODD & WELD LLP

28 State Street
Boston, MA 02109
T 617-624-4742
F 617-624-4842
www.toddweld.com

Please consider the environment before printing this email.

From: Allen, Michael
Sent: Friday, January 25, 2013 3:40 PM
To: 'samiaelmo@yahoo.com'; 'munafikasindi@yahoo.com'; 'thetruehayatsindi@yahoo.com'
Cc: Rich, David H.; Abed Awad (awadabed2000@yahoo.com)
Subject: Hayat Sindi v. Samia El-Moslimany and Ann El-Moslimany, Superior Court of Suffolk, Massachusetts
Attachments: Exhibits 1-5 to Complaint.pdf.pdf

Dear Ms. Samia El-Moslimany and Ms. Ann El-Moslimany, please see attached.
This is the second message of four.

Michael Thad Allen

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Sent: Friday, January 25, 2013 3:40 PM
To: 'samiaelmo@yahoo.com'; 'munafikasindi@yahoo.com'; 'thetruehayatsindi@yahoo.com'
Cc: Rich, David H.; Abed Awad (awadabed2000@yahoo.com)
Subject: Hayat Sindi v. Samia El-Moslimany and Ann El-Moslimany, Superior Court of Suffolk, Massachusetts
Attachments: Exhibits 6-8 to Complaint.pdf

Dear Ms. Samia El-Moslimany and Ms. Ann El-Moslimany, please see attached.
This is the third message of four.

Michael Thad Allen

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Sent: Friday, January 25, 2013 3:40 PM
To: 'samiaelmo@yahoo.com'; 'munafikasindi@yahoo.com'; 'thetruehayatsindi@yahoo.com'
Cc: Rich, David H.; Abed Awad (awadabed2000@yahoo.com)
Subject: Hayat Sindi v. Samia El-Moslimany and Ann El-Moslimany, Superior Court of Suffolk, Massachusetts
Attachments: Exhibits 9-16 to Complaint.pdf

Dear Ms. Samia El-Moslimany and Ms. Ann El-Moslimany, please see attached.
This is the fourth message of four.

Michael Thad Allen

TODD & WELD LLP

28 State Street
Boston, MA 02109
T 617-624-4742
F 617-624-4842
www.toddweld.com

Please consider the environment before printing this email.

EXHIBIT B

CIVIL ACTION COVER SHEET		TRIAL COURT OF MASSACHUSETTS SUPERIOR COURT DEPARTMENT		DOCKET NO. <u>13-cv-29 A</u>
COUNTY OF <u>SUFFOLK</u>				
PLAINTIFF(S) <u>HAYAT SINDI</u>		DEFENDANT(S) <u>SAMIA EL-MOSLIMANY and ANN EL-MOSLIMANY</u>		
Type Plaintiff's Attorney name, Address, City/State/Zip Phone Number and BBO#		Type Defendant's Attorney Name, Address, City/State/Zip Phone Number (If Known)		
David H. Rich, Esq. (BBO# 634275) Michael Thad Allen (BBO# 679795) Todd & Weld LLP 28 State Street, Boston, MA 02109 (617) 720-2620				
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)				
CODENO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?	
	<u>B15 Defamation (Libel-Standard) - Average Track</u>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (Attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses				
2. Total doctor expenses				
3. Total chiropractic expenses				
4. Total physical therapy expenses				
5. Total other expenses (describe)				
				Subtotal
B. Documented lost wages and compensation to date				
C. Documented property damages to date				
D. Reasonably anticipated future medical expenses				
E. Reasonably anticipated lost wages and compensation to date				
F. Other documented items of damages (describe)				
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)				\$
See attachment.				
				Total \$ <u>10,000,000.00</u>
CONTRACT CLAIMS (Attach additional sheets as necessary)				
Provide a detailed description of claim(s):				
				TOTAL \$
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT				
<u>N/A</u>				
I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1-18) requiring that I provide my clients with information about court connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods.				
Signature of Attorney of Record		Date		
<u>Michael Thad Allen</u>		<u>January 25, 2013</u>		
AOSC 3-2007		Michael Thad Allen		



Samia El-Moslimany

Follow · January 27

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2 people like this.



Ahmed Alaa Darwish OMG

January 27 at 3:03am · Like · 1



Rachael Scott wait... itemized? so she has lost nothing and seeks to gain... *dr. evil voice* \$10 million dollars? now that takes balls. in... suffolk county...?

January 27 at 3:22am · Like · 1



Dena Hafiz Maybe we should have a word with an Italian 'chiropractor' who might take up the future chiropractic expenses being suggested...

January 27 at 7:57am via mobile · Like · 1

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EXHIBIT C



Fouad's soon to be second wife sues me

2013


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Re:balance Q&A - PopTech 2011 - Camden Maine USA

By poptech
PopTech Add Contact

This photo was taken on October 20, 2011 using a Canon EOS 5D Mark II


6 views


This photo belongs to
poptech's photostream

This photo also appears in
PopTech 2011: The World Rebalancing (set of 1,441)
PopTech 2011

Tags
rebalance • October 2011 • cameras • iPhone • events • conference • networking

like

 **John D. Relyea** For what? Counter suit.
January 25 at 4:43pm · Like · 2

 **Samia El-Mostakany** Who knows?
January 25 at 4:49pm · Like


 **John D. Relyea** file a counter suit...

EXHIBIT D

Search for people, places and things


Samia El-Moslimany

F

Managing Partner at [Photography by Samia](#)
 Studied Educational Technology (Filmmaking) at
 Unive... Lives in [Jeddah, Saudi Arabia](#) From
[Seahurst, Washington](#)



MEAS

Mecca

Jabal Noor

About Friends 2,313 Photos Map

Do you know Samia? Follow Samia to get her public posts in your news feed.

Work and Education



Photography by Samia

Managing Partner Jeddah, Saudi Arabia Jan 1993 to
 present Arabia's Premiere Photography Studio



Photography by Samia

Jan 1993 to 2004
 Arabia's Premiere Photography Studio



University of Washington

Class of 1986 Masters of Education Educational
 Technology (Filmmaking) Seattle, Washington



University of Washington

Class of 1983 General Studies-Documentary Filmmaking
 Seattle, Washington

See All

Info

About

Lives in [Jeddah, Saudi Arabia](#) Knows English,
 Arabic Female

2013

Fouad's soon to be second wife sues me

2011

♥ Added a Family Member
 ♥ Added a Family Member Abdullahi Daud Elmi

Friends



Stephanie Jazzar Tarik Trad Elis

Albums



Cover Photos Apr 1, 2013 Mo



Profile Pictures Timeline Photos Ho

Favorites

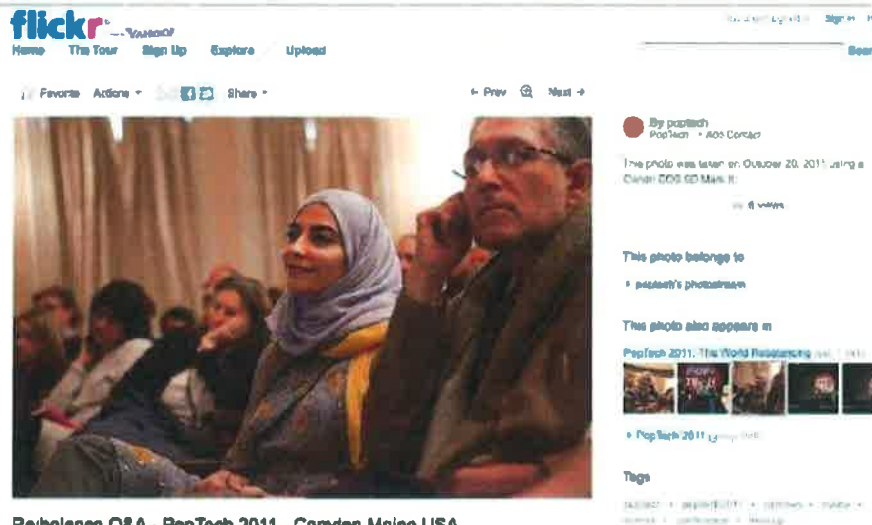
Search

[Back to Samia's Timeline](#)

January

Fouad's soon to be second wife sues me

2013



Re:balance Q&A - PopTech 2011 - Camden Maine USA

Like



John D. Relyea For what? Counter suit. January 25 at 4:43pm · [Like](#) · 2



Samia El-Moslimany Who knows? January 25 at 4:49pm · [Like](#)



John D. Relyea file a counter suit... January 25 at 4:50pm · [Like](#) · 2



Wade Lindstrom Is she suing your mom for giving birth to you? January 25 at 6:54pm via mobile · [Like](#) · 1



Beth Mahmoud Howell Does she realize if she files here she ain't in Saudi anymore and polygamy is generally frowned upon here January 25 at 9:20pm via mobile · [Like](#) · 2



Wade Lindstrom She should be suing your mom for giving you all that integrity and stuff that is so inconvenient for her now! January 25 at 9:27pm · [Like](#) · 2



Rachael Scott Somehow I just don't see it working out between those two... January 25 at 10:24pm · [Like](#) · 1



Samia AlMuttawa Maybe he better realize that he is not the first., nor will he be her last. Doesnt make him very bright January 26 at 6:23am · [Like](#) · 1



Roya Salehi I am sure it is complicated but I don't understand why you are still married to this guy. He is the real home wrecker and has brought al stress into your life. January 26 at 8:05am via mobile · [Like](#) · 2



Sasha Crow I have been out of the loop on this for a while but, checking back into it after you posted this preposterous suit, the thing that comes t about her is "sociopath" (have you read the characteristics of them?) January 26 at 12:21pm · [Like](#) · 2



Beth Mahmoud Howell I'm thinking made for TV movie January 26 at 2:12pm · [Like](#) · 2

EXHIBIT E

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

HAYAT SINDI,

Plaintiff,

v.

SAMIA EL-MOSLIMANY and
ANN EL-MOSLIMANY,

Defendants.

Civil Action No. 13-00329-A

AFFIDAVIT OF PROOF OF SERVICE

I, Michael Thad Allen, hereby depose under oath the following:

1. My name is Michael Thad Allen, Esquire. I am an attorney in good standing in the Commonwealth of Massachusetts, and I declare the following statements based on my personal knowledge and experience.
2. On January 25, 2013, I served a Complaint and Jury Demand with 16 exhibits on Samia El-Moslimany and Ann El-Moslimany, the Defendants in this action. The Complaint and exhibits were also accompanied by a Civil Action Cover Sheet.
3. The method of service was threefold. First, a copy of the complete package was e-mailed to Samia El-Moslimany at the following e-mail address: samiaelmo@yahoo.com. A true and accurate copy of the e-mail sent to Ms. Samia El-Moslimany is attached as **Exhibit A**. I also sent a copy of the Complaint package to Samia El-Moslimany at the following address by UPS overnight mail: 2655 SW 151st Place, Burien, Washington 98166-1638. In addition, I sent a copy of the Complaint package by UPS overnight mail to Ann El-Moslimany at the following

address: 2107 NE 54th Street, Seattle, Washington 98105-3332. True copies of the proof of delivery receipts are attached as **Exhibit B**. Third, I sent the Complaint package via certified mail, return receipt requested to the same addresses of Samia El-Moslimany and Ann El-Moslimany listed above. The Complaint package sent via certified mail to Ann El-Moslimany was returned to Todd & Weld LLP by the local Post Office on February 5, 2013 as undeliverable. The Complaint package sent via certified mail to Samia El-Moslimany has not been returned to Todd & Weld LLP, nor have I received the return receipt card back.

4. I attach as **Exhibit C** a true and accurate copy of a Facebook page posted by Samia El-Moslimany on or about January 25, 2013 with the caption "Fouad's soon to be second wife sues me." As this Exhibit clearly indicates, Samia El-Moslimany had accepted service on or about January 25, 2013.

5. I attach as **Exhibit D** a true and accurate copy of Samia El-Moslimany's Facebook page on which she has posted a copy of the Civil Action Cover Sheet for the Superior Court of Suffolk County, Massachusetts. As this clearly shows, Samia El-Moslimany has again acknowledged service no later than January 27, 2013.

Signed under the penalties of perjury this 20th day of February 2013.

A handwritten signature in black ink, appearing to read "Michael Thad Allen", written over a horizontal line.

Michael Thad Allen

EXHIBIT A

From: Allen, Michael
Sent: Friday, January 25, 2013 3:40 PM
To: 'samlaelmo@yahoo.com'; 'munafikasindi@yahoo.com'; 'thetruehayatsindi@yahoo.com'
Cc: Rich, David H.; Abed Awad (awadabed2000@yahoo.com)
Subject: Hayat Sindi v. Samia El-Moslimany and Ann El-Moslimany, Superior Court of Suffolk, Massachusetts
Attachments: Civil Action Cover Sheet.pdf; LT Court w-Complaint 1-25-13 mta.pdf; Summons to Samia El-Moslimany.pdf.pdf; Summons to Ann El-Moslimany.pdf.pdf; Complaint.pdf

Dear Ms. Samla El-Moslimany and Ms. Ann El-Moslimany, please see attached.
This is one message of four.

Michael Thad Allen

TODD & WELD LLP

28 State Street
Boston, MA 02109
T 617-624-4742
F 617-624-4842
www.toddweld.com

Please consider the environment before printing this email.

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To: 'samlaelmo@yahoo.com'; 'munafikasindi@yahoo.com'; 'thetruehayatsindi@yahoo.com'
Cc: Rich, David H.; Abed Awad (awadabed2000@yahoo.com)
Subject: Hayat Sindi v. Samla El-Moslimany and Ann El-Moslimany, Superior Court of Suffolk, Massachusetts
Attachments: Exhibits 1-5 to Complaint.pdf.pdf

Dear Ms. Samla El-Moslimany and Ms. Ann El-Moslimany, please see attached.
This is the second message of four.

Michael Thad Allen

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Boston, MA 02109
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F 617-624-4842
www.toddweld.com

Please consider the environment before printing this email.

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Sent: Friday, January 25, 2013 3:40 PM
To: 'samlaelmo@yahoo.com'; 'munafikasindi@yahoo.com'; 'thetruehayatsindi@yahoo.com'
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Subject: Hayat Sindi v. Samia El-Moslimany and Ann El-Moslimany, Superior Court of Suffolk, Massachusetts
Attachments: Exhibits 6-8 to Complaint.pdf

Dear Ms. Samia El-Moslimany and Ms. Ann El-Moslimany, please see attached.
This is the third message of four.

Michael Thad Allen

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Boston, MA 02109
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F 617-624-4842
www.toddweld.com

Please consider the environment before printing this email.

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Sent: Friday, January 25, 2013 3:40 PM
To: 'samiaelmo@yahoo.com'; 'munafkasindi@yahoo.com'; 'thetruehayatsindi@yahoo.com'
Cc: Rich, David H.; Abed Awad (awadabed2000@yahoo.com)
Subject: Hayat Sindi v. Samia El-Moslimany and Ann El-Moslimany, Superior Court of Suffolk, Massachusetts
Attachments: Exhibits 9-16 to Complaint.pdf

Dear Ms. Samia El-Moslimany and Ms. Ann El-Moslimany, please see attached.
This is the fourth message of four.

Michael Thad Allen

TODD & WELD LLP
28 State Street
Boston, MA 02109
T 617-624-4742
F 617-624-4842
www.toddweld.com

Please consider the environment before printing this email.

EXHIBIT B



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z0E20900152400119
Service:	UPS Next Day Air®
Weight:	2.60 lbs
Shipped/Billed On:	01/28/2013
Delivered On:	01/29/2013 10:18 A.M.
Delivered To:	SEATTLE, WA, US
Left At:	Front Door

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 01/30/2013 12:01 P.M. ET

[Print This Page](#)

[Close Window](#)



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z0E20900152400093
Service:	UPS Next Day Air®
Weight:	2.60 lbs
Shipped/Billed On:	01/28/2013
Delivered On:	01/29/2013 9:25 A.M.
Delivered To:	BURIEN, WA, US
Left At:	Front Door

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 01/30/2013 12:00 P.M. ET

[Print This Page](#)

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EXHIBIT C



Fouad's soon to be second wife sues me

2013

flickr

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By pootech
PopTech · Add Contact

This photo was taken on October 20, 2011 using a Canon EOS 5D Mark II.

Like 6 views

This photo belongs to

▶ pootech's photostream

This photo also appears in

PopTech 2011: The World Rethinking



▶ PopTech 2011 slides · More

Tags

poptech · poptech2011 · camden · maine · events · counterintelligence · pootech

Re:balance Q&A - PopTech 2011 - Camden Maine USA

Like

John D. Relyea For what? Counter suit.
January 25 at 4:43pm · Like · 2

Samia El-Moslimany Who knows?
January 25 at 4:49pm · Like

John D. Relyea file a counter suit...

EXHIBIT D

CIVIL ACTION COVER SHEET		JUDICIAL BRANCH SUPERIOR COURT DEPARTMENT 41		DOCKET NO. 13-577-1
COUNTY OF SUFFOLK				
PLAINTIFF(S) HAYAT SINDI		DEFENDANT(S) SAMIA EL-MOSLIMANY and ANN EL-MOSLIMANY		
Type Plaintiff's Attorney name, Address, City/State/Zip Phone Number and BBO#		Type Defendant's Attorney Name, Address, City/State/Zip Phone Number (if known)		
David H. Rich, Esq. (BBO# 834275) Michael Thad Allen (BBO# 79795) Todd & Wold LLP 75 State Street, Boston, MA 02109 (617) 720-2020				
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)				
CODING	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?	
	B15 Defamation (Libel-Blander) - Average Track		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (Attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses				
2. Total doctor expenses				
3. Total chiropractic expenses				
4. Total physical therapy expenses				
5. Total other expenses (describe)				
Subtotal				
B. Documented lost wages and compensation to date				
C. Documented property damages to date				
D. Reasonably anticipated future medical expenses				
E. Reasonably anticipated lost wages and compensation to date				
F. Other documented items of damages (describe)				
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)				
See attachment.				
Total \$ 10,000,000.00				
CONTRACT CLAIMS (Attach additional sheets as necessary)				
Provide a detailed description of claim(s):				
TOTAL \$				
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTIONS PENDING IN THE SUPERIOR COURT DEPARTMENT				
N/A				
I hereby certify that I have complied with the requirements of Rule 4 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJR Rule 4) by requiring that I provide my clients with information about court connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods.				
Signature of Attorney of Record: Michael Thad Allen Date: January 15, 2013				
A.O.S.C. 3-2007				



Samia El-Moslimany

Follow · January 27

Like · Share

2 people like this.



Ahmed Alaa Darwish OMG

January 27 at 3:03am · Like · 1



Rachael Scott wait... itemized? so she has lost nothing and seeks to gain... *dr. evil voice* \$10 million dollars? now that takes balls. in... suffolk county...?

January 27 at 3:22am · Like · 1



Dena Hafiz Maybe we should have a word with an italian 'chiropractor' who might take up the future chiropracting expenses being suggested...

January 27 at 7:57am via mobile · Like · 1

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dentalpartnersofbroo...



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EXHIBIT F

MORRISON MAHONEY LLP

COUNSELLORS AT LAW

250 SUMMER STREET
BOSTON, MASSACHUSETTS 02210-1181
617-439-7500

George R. White
Direct Dial: 617-737-8859
Direct Fax: 617-342-4805
grwhite@morrisonmahoney.com

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FALL RIVER	NEW JERSEY
SPRINGFIELD	PARSIPPANY
WORCESTER	NEW YORK
CONNECTICUT	NEW YORK
HARTFORD	
ENGLAND	RHODE ISLAND
LONDON	PROVIDENCE

March 14, 2013

By E-mail: mallen@toddweld.com

Michael Thad Allen, Esquire
Todd & Weld LLP
28 State Street
Boston, Massachusetts 02109

Re: Hayat Sindi v. Samia El-Moslimany and Ann El-Moslimany
Civil Action No.: 2013-00329-A
Our File No.: 10051295

Dear Attorney Allen:

This will confirm that you have graciously agreed to our request to extend the deadline for our clients, Samia El-Moslimany and Ann El-Moslimany, to answer or otherwise respond to the plaintiffs' complaint up to and including March 20, 2013.

Thank you for your courtesies in this matter.

Very truly yours,



George R. White

GRW/grw

Allen, Michael

From: White, George <GWhite@morrisonmahoney.com>
Sent: Tuesday, March 19, 2013 10:25 AM
To: Allen, Michael
Subject: Sindi v. El-Moslimany

Dear Attorney Allen,

To follow up on my voice mail message, we are requesting an additional extension of the deadline for the defendants to answer or otherwise respond to the plaintiff's complaint up to and including March 27, 2013. Please advise whether you are agreeable to the requested extension.

Thank you for your anticipated courtesies in this matter.

George R. White

Associate

MORRISON MAHONEY LLP

250 Summer Street, Boston, MA 02210

T 617.737.8859 | F 617.342.4805

grwhite@morrisonmahoney.com | www.morrisonmahoney.com

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EXHIBIT G

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS


SUPERIOR COURT
CIVIL ACTION NO: 2013-00329-A

HAYAT SINDI,)
)
Plaintiff,)
)
v.)
)
SAMIA EL-MOSLIMANY and)
ANN EL-MOSLIMANY,)
)
Defendants.)

**DEFENDANTS' SUPERIOR COURT RULE 9E NOTICE OF
MOTION TO DISMISS THE PLAINTIFF'S COMPLAINT**

NOW COME the defendants, Samia El-Moslimany and Ann El-Moslimany, and advise this Honorable Court, in accordance with Superior Court Rule 9E, that they will, on or before March 27, 2013, served a motion to dismiss the plaintiff's complaint on all parties, pursuant to Superior Court Rule 9A(b)(2).

THE DEFENDANTS,
SAMIA EL-MOSLIMANY and
ANN EL-MOSLIMANY,
By their attorneys,
MORRISON MAHONEY LLP



Mark R. Segalini, BBO No.: 450780
George R. White BBO# 645752
250 Summer Street
Boston, MA 02210
(617) 439-7500
msegalini@morrisonmahoney.com
grwhite@morrisonmahoney.com
Date: 3/19/13

CERTIFICATE OF SERVICE

I, George R. White, do hereby certify that I have this day served the foregoing DEFENDANTS' SUPERIOR COURT RULE 9E NOTICE OF MOTION TO DISMISS THE PLAINTIFF'S COMPLAINT to all counsel of record and pro se parties to this action by mailing the same, postage prepaid to:

Michael Thad Allen, Esquire
Todd & Weld LLP
28 State Street
Boston, Massachusetts 02109

Dated: March 19, 2013


George R. White

EXHIBIT H

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

HAYAT SINDI,

Plaintiff,

v.

SAMIA EL-MOSLIMANY and
ANN EL-MOSLIMANY,

Defendants.

Civil Action No. 13-00329-A

HEARING REQUESTED

**MOTION FOR DECLARATION OF EFFECTIVE
SERVICE AND ORDER OF DEFAULT**

i. INTRODUCTION

Plaintiff Hayat Sindi ("Ms. Sindi") respectfully moves under Mass. R. Civ. P. 4 for a declaration that service has been properly affected on Defendant Samia El-Moslimany in the above-captioned action as of January 27, 2013, and, as the time for response or answer as provided under Mass. R. Civ. P. 12(a) has run, Ms. Sindi also respectfully moves for entry of default under Mass. R. Civ. P. 55(b)(2). Ms. Sindi requests a hearing on this motion.

ii. Factual and Procedural Background

Ms. Sindi is a citizen of Saudi Arabia and the United Kingdom who resides in Boston, Massachusetts where she pursues her work as one of the foremost Saudi bio-technology scientists in the world, and her achievements are all the more remarkable given the obstacles she has had to overcome as a successful woman in a scientific career who was born into very modest circumstances. Complaint ¶¶ 61-62. Ms. El-Moslimany is a United States citizen who resides

in Washington State, and she has embarked on a relentless campaign, which she calls “operation arabian [sic.] EXPOSURE,” to ruin Ms. Sindi’s professional reputation and career after becoming obsessed with a non-existent relationship between her husband Fouad Dehlawi and Ms. Sindi. Complaint ¶ 20, 46. The above-captioned civil action, filed on January 25, 2013, sets forth claims of defamation, tortious interference with contract, tortious interference with prospective business relations, and intentional infliction of emotional distress due to the libel and slander repeatedly published against Ms. Sindi by Ms. El-Moslimany with the express and malicious intent of harming Ms. Sindi’s professional status, impugning her credentials, and even inciting others to “stone” her. Complaint ¶ 50.

With her mother, Ann El-Moslimany, Ms. El-Moslimany has pursued Ms. Sindi relentlessly in almost every venue in which Ms. Sindi has appeared publically to speak and promote her work. *Id.* ¶¶ 44-48, 52-55, 80. Defendants have even pursued her into her own neighborhood in Boston, Massachusetts. *Id.* They have repeatedly accused Ms. Sindi of plagiarizing her dissertation, misrepresenting others’ patents and intellectual property as her own, falsifying her research, and engaging in other wholly fictitious acts of fraud. *Id.* ¶¶ 27, 39. Defendants’ malicious conduct caused Ms. Sindi direct harm when she lost an estimated \$10,000,000 investment after Defendants’ lies induced investors to withdraw support from Ms. Sindi’s businesses and from her scientific research. *Id.* ¶¶ 70. Defendants have intentionally and repeatedly directed their malicious defamatory publications into Massachusetts, where Ms. Sindi currently resides and works as a Visiting Scholar of Harvard University. Complaint ¶¶ 11, 49.

As set forth in the attached Affidavit of Michael Thad Allen in Support of Motion FOR Declaration of Effective Service and Order of Default (“Allen Aff.”), Ms. Sindi, through counsel, served the Complaint and Jury Demand with 16 exhibits, Summons, and Civil Action Cover

Sheet (the “Complaint Package”) on Defendant Samia El-Moslimany (“Ms. El-Moslimany”) on January 25, 2013. Id. ¶ 2. Ms. Sindi’s counsel affected service pursuant to Mass. R. Civ. P. 4 in the following manner: First, Ms. El-Moslimany received a copy of the Complaint Package at her home address via certified mail, return receipt requested, at 2655 SW 151st Place, Burien, Washington 98166-1638. Id. ¶ 3. Second, Ms. El-Moslimany received the Complaint Package via UPS overnight mail to at 2655 SW 151st Place, Burien, Washington 98166-1638. Id. Allen Aff., Exhibit A. Third, Ms. El-Moslimany received pdf copies of the complete Complaint Package via her e-mail address at samiaelmo@yahoo.com. A true and accurate copy of the e-mail sent to Ms. Samia El-Moslimany is attached as Allen Aff., Exhibit A.¹

Ms. El-Moslimany gave written acknowledgment of her receipt of the Complaint Package by posting a copy of the Civil Action Cover Sheet on her Facebook website page on or around January 27, 2013. Id. ¶ 4 and Exhibit B. She further acknowledged acceptance of service through another Facebook posting stating “Fouad’s soon to be second wife sues me” (Id. 5 and Exhibit C); and Ms. El-Moslimany continues to acknowledge the receipt of the complaint on this same Facebook website at the time of filing. Id. ¶ 6 and Exhibit D. On February 20, 2013, Ms. Sindi’s counsel of record submitted an Affidavit of Proof of Service to this Court. Id. ¶ 7.

Subsequent to service of process, Ms. El-Moslimany contacted Massachusetts counsel to provide a legal defense, and on March 14, 2013, George White, Esq. (“Mr. White”) of Morrison Mahoney, LLP contacted Ms. Sindi’s counsel of record and stated that he represent Ms. El-Moslimany. Allen Aff. ¶ 8 and Exhibit E. Mr. White then requested an extension of time up to and including March 20, 2013 to answer or otherwise respond to the Complaint. Id. On March

¹ Plaintiff served process on Defendant Ann El-Moslimany at 2107 NE 54th Street, Seattle, Washington 98105-3332.

19, 2013, Mr. White requested “an additional extension of the deadline for the defendants to answer or otherwise respond to the plaintiff’s complaint up to and including March 27, 2013.”

Id..

No response or answer to the Complaint has been forthcoming and Mr. White informed Ms. Sindi’s counsel of record on April 1, 2013 that he would not submit a response or answer to this Court. Id. ¶ 9

iii. ARGUMENT

I. MS. SINDI HAS ESTABLISHED PROOF OF SERVICE

Massachusetts’ “long-arm” statute conveys personal jurisdiction on this Court over parties who reside in a foreign state if (among other things) they have “act[ed] directly or by an agent, as to a cause of action in law or equity ... causing tortious injury by an act or omission in this commonwealth” G.L. c. 223A, § 3(c).

Massachusetts R. Civ. P. 4(e-f) permits service of process on a resident of a foreign state by registered U.S. mail or by mail with return receipt requested or other methods found to be acceptable to the Court. G.L. c. 223A, § 6; Mass. R. Civ. P. 4(c), Reporters Notes (“Rule 4(c) makes clear that whenever a statute like ... G.L. c. 223A ... authorizes service by certified or registered mail, it is not necessary to enlist the aid of a process server to do the mailing”). “Proof of service outside this commonwealth may be made by affidavit of the individual who made the service or in the manner prescribed by the law of this commonwealth ... When service is made by mail, proof of service shall include a receipt signed by the addressee or other evidence of personal delivery to the addressee satisfactory to the court” (emph. added). G.L. c. 223A, § 6(b). See also, Wood v. Wood, 369 Mass. 665, 672, 342 N.E.2d 712, 717 (1976) (service outside the Commonwealth for an action in tort arising out of acts committed within the

Commonwealth is satisfied by certified mail under G.L. c. 223A); Kalker v. Binder, 2010 Mass. App. Div. 23 (Dist. Ct. 2010) (“... the Massachusetts statute [G.L. c. 223A] and Rule 4 clearly do not limit proof of service by mail only to a signed return receipt or acknowledgment. ... where there is no signed return receipt, but there is evidence of personal delivery that is satisfactory to the trial court judge, a default and default judgment may be properly entered”).

As of January 25, 2013, Ms. Sindi’s counsel of record caused the Complaint Package to be delivered to Defendant Ms. El-Moslimany by certified mail, return receipt requested, UPS overnight delivery, and e-mail. Allen Aff. ¶¶ 2-5, and Exhibits A - D. Ms. El-Moslimany indicated immediately thereafter that she had received proper notice of the lawsuit filed against her.

Ms. El-Moslimany posted to her Facebook Page the Civil Action Cover Sheet from the Superior Court of Suffolk County which was included in the Complaint Package. Id., Exhibit B. A certain Ahmed Alaa Darwish commented on Ms. El-Moslimany’s publication of the Civil Action Cover Sheet on that same day, January 27, 2013 at 3:03 A.M. Id. This posting clearly showed “Samia El-Moslimany ... January 27.” Id. Before this, on January 25, 2013, Ms. El-Moslimany also published the statement to Facebook: “Fouad’s soon to be second wife sues me.” Allen Aff., Exhibit C. The date on Facebook shown at top is 2013, and comments, apparently from Ms. El-Moslimany’s friends, appeared as early as January 25, 2013 as indicated by, among others, a certain John D. Relyea, who posted a comment at 4:43 P.M. of that day. Id. This announcement of the above captioned litigation may still be viewed on Ms. El-Moslimany’s Facebook page. Id., Exhibit D.

Although Ms. Sindi’s counsel of record never received the return of a registered mail “green card,” the above published statements unmistakably indicate that Ms. El-Moslimany

received the Complaint Package and gave public, written acknowledgement of its receipt.

Attorney Michael Thad Allen submitted a proper affidavit of proof of documenting Ms. El-Moslimany's acknowledgement of service to this Court on February 20, 2013. Allen Aff. ¶ 7.

Ms. Sindi has therefore properly served process on Ms. El-Moslimany, and this Court should declare that Plaintiff Hayat Sindi has satisfied the requirements of Mass. R. Civ. P. 4.

II. Default Should Enter Against Samia El-Moslimany

Massachusetts R. Civ. P. 55 provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise," default shall enter. Mass. R. Civ. P. 55(a). Upon motion, the judge may order entry of default. Mass. R. Civ. P. 55(b)(2).

Ms. Sindi has affected proper service of process on Ms. El-Moslimany, as attested to this Court by the attorney, Michael Thad Allen, who served Ms. El-Moslimany with the Complaint Package and submitted an Affidavit of Proof of Service to this Court on February 20, 2013 (Allen Aff. ¶ 7). Ms. El-Moslimany has not made response or answered the Complaint. After requesting repeated extensions of time to do so, on April 1, 2013, Mr. White, representing that he was Ms. El-Moslimany's counsel, informed Ms. Sindi's counsel of record that Ms. El-Moslimany would not submit a responsive pleading to the Complaint. Allen Aff. ¶ 8-9.

Ms. El-Moslimany is not a person in military service. Allen Aff. ¶ 10.

Ms. Sindi will duly send notice to Ms. El-Moslimany as required under Rule 55(b)(2) at such time as this Court sets a hearing date on this motion, at which time the Court should enter an Order of Default against Ms. El-Moslimany.

iv. CONCLUSION

For the foregoing reasons, this Court should declare and order that Plaintiff Hayat Sindi has properly served process on Samia El-Moslimany, who, having failed to make response or answer, is now in default.

HAYAT SINDI

By her attorneys,

A handwritten signature in dark ink, appearing to read "Michael Thad Allen", is written over a horizontal line.

David H. Rich, (BBO#634275)

drich@toddweld.com

Michael Thad Allen (BBO#679795)

mallen@toddweld.com

Todd & Weld LLP

28 State Street

Boston, MA 02109

(617) 720-2626

Dated: April 5, 2013